

EXHIBIT 1

PROPOSED FLSA NOTICE AND OPT-IN FORMS

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

)	
FELIPE DE JESUS AVILA-SOTO, et al.)	
)	Case No. 6:24-cv-01392
Plaintiffs,)	
)	JUDGE ROBERT R. SUMMERHAYS
v.)	
)	MAGISTRATE JUDGE CAROL B.
)	WHITEHURST
SOUTH CENTRAL SUGAR CANE)	
GROWERS' ASSOCIATION, INC., et al.)	
)	
Defendants.)	
)	

NOTICE OF RIGHT TO JOIN LAWSUIT

To: EMPLOYEES OF:

- SOUTH CENTRAL SUGAR CANE GROWERS' ASSOCIATION, INC.
- and STERLING SUGARS, LLC

Regarding: RIGHT TO JOIN LAWSUIT TO RECOVER:

- ALLEGEDLY UNPAID OVERTIME WAGES UNDER THE FEDERAL OVERTIME LAW (FAIR LABOR STANDARDS ACT)

Date: [date to be inserted]

1. Purpose of Notice

The purpose of this Notice is to inform you about a lawsuit brought under the federal overtime law, called the Fair Labor Standards Act, against South Central Sugar Cane Growers' Association, Inc. and Sterling Sugars, LLC ("Defendants"), for allegedly unpaid overtime wages. This Notice tells you how your rights may be affected by this lawsuit and tells you how you can join this lawsuit. **If you do not join or take other action, you may lose some of your rights.**

This notice has been authorized by the United States District Court for the Western District of Louisiana. At this time the Court has taken no position regarding the merits of the claims or the defenses.

2. Description of the Lawsuit

Felipe de Jesus Avila-Soto, Felipe de Jesus Suarez-Palafox, and Juan Alejo Hernandez-Canela ("Plaintiffs"), current and former tractor-trailer truck drivers, have filed a lawsuit against the Defendants in the United States District Court for the Western District of Louisiana.

The Plaintiffs allege, among other things, that they and other truck drivers were not paid properly when working as truck drivers hauling sugarcane to the sugar mill as required by a federal law called the Fair Labor Standards Act. The lawsuit claims that the Defendants violated the overtime wage law by not paying overtime premium wages after 40 hours of work in a week.

The Plaintiffs are suing on behalf of themselves and all other H-2A workers who worked doing tractor-trailer truck driving work hauling sugarcane for the Defendants. The Plaintiffs seek the recovery of unpaid overtime wages. The Defendants deny that the Plaintiffs and other workers are owed overtime wages. Additionally, Defendant Sterling Sugars, LLC denies that it was the employer of the Plaintiffs and other workers.

3. Your Right to Participate in this Lawsuit

If you worked for the Defendants as an H-2A worker and were a tractor-trailer truck driver who hauled sugarcane to the sugar mill at any time in the last three (3) years and you were not paid overtime wages when you worked more than 40 hours in a week, you may make a claim to try to recover those wages by signing and returning the form called "FLSA Consent to Sue," which is attached to this notice.

The FLSA Consent to Sue form must be **postmarked or sent to Plaintiffs' attorneys on or before [date 90 days from date on which forms are first sent out]**, although it is important to return the form as soon as possible so that you do not lose any claims due to time limitations on filing claims pursuant to the federal law.

The FLSA Consent to Sue form may be returned by WhatsApp, email, courier, or postal service to Plaintiffs' attorneys at:

WhatsApp: **828-379-3169**

Email: jim@dawsonmorton.com

Postal Service or Courier:

**James Knoepp
1612 Crestwood Drive
Columbia, South Carolina 29205**

You may also fill out a form on the Plaintiffs' website for this case at:
[ENTER LANDING PAGE PROVIDED BY THIRD PARTY ADMINISTRATOR.]

Plaintiffs' attorneys speak Spanish and can respond to any of your messages via WhatsApp in Spanish.

4. Time Limit to File a Claim

The federal overtime wage law has a maximum three-year period to bring a claim after the payday for the week in which a pay problem occurred. The time limit for filing a lawsuit may expire if you do not join this lawsuit or file your own lawsuit within two or three years from the date when your claims arose.

5. Effect of Joining this Lawsuit

If you join this lawsuit, you will be included in the decision made by the judge, whether favorable or unfavorable. You will also share in any money received in the lawsuit, either through a decision by the Court or a settlement. There is no guarantee that any money will be recovered in this lawsuit. While the suit is proceeding, you may be required to provide information to Plaintiffs' attorneys or to the Defendants concerning your work.

By joining, you designate Felipe de Jesus Avila-Soto, Felipe de Jesus Suarez-Palafox, and Juan Alejo Hernandez-Canela to make decisions on your behalf concerning this case. The decisions and agreements made in this lawsuit will affect your claims.

If you do not join this lawsuit, you will not be included in any decision made by the Judge related to the claims brought in the lawsuit pursuant to the Fair Labor Standards Act, whether favorable or unfavorable, and you will not receive any of the money that may be received from the lawsuit related to the claims brought pursuant to the Fair Labor Standards Act.

6. Your Legal Representation

The Plaintiffs are represented by Dawson Morton and James Knoepp of Dawson Morton, LLC and by Daniel Davis of Estes Davis Law, LLC. Any money recovered will be shared by all

persons who have joined the lawsuit based on the amount they are owed. The Plaintiffs' attorneys will petition for an attorneys' fee recovery to the Court as part of any settlement. Alternatively, you may choose to be represented by your own attorney or proceed without an attorney.

If you choose to join the lawsuit by signing and returning the enclosed FLSA Consent to Sue form you do not need to hire your own attorney because the Plaintiffs' attorneys will be working on your behalf. If you want your own attorney, you may hire one but you may have to pay that attorney, and that attorney will have to file a consent to sue form by the deadline.

Felipe de Jesus Avila-Soto, Felipe de Jesus Suarez-Palafox, and Juan Alejo Hernandez-Canela and the other plaintiffs who have already joined the lawsuit have entered into a contingency fee agreement with the Plaintiffs' attorneys, which means that if you do not win, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event that there is a recovery, Plaintiffs' attorneys will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the Class. Alternatively, the Court may be asked to determine the amount of attorneys' fees. If you would like a copy of the fee agreement you may obtain one by asking the Plaintiffs' attorneys.

7. Retaliation Is Illegal

It is a violation of United States law for South Central Sugar Cane Growers' Association, Inc. and Sterling Sugars, LLC, or any related entity, or any person acting on their behalf, to fire, refuse to hire, or in any manner discriminate or retaliate against you for taking part in this case. They may not deny you work due to your participation in this lawsuit and your participation in this lawsuit cannot affect whether you can receive a visa to return to work for these or other employers. If you believe that you have been discouraged, threatened, or discriminated or retaliated against for discussing or choosing to join in this lawsuit, you can call Plaintiffs' attorneys.

8. For More Information

You may call Plaintiffs' attorneys (Dawson Morton or James Knoepp) at:

404-550-7851 or 828-379-3169 (telephone or WhatsApp message).

Plaintiffs' attorneys speak Spanish and can respond to any of your messages via WhatsApp in Spanish.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE HONORABLE ROBERT B. SUMMERHAYS, JUDGE FOR THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA. THERE ARE NO GUARANTEES THAT MONEY WILL BE RECOVERED IN THIS CASE. THE COURT HAS NOT YET DECIDED WHETHER THE CLAIMS MADE IN THE LAWSUIT ARE VALID.

Proposed Text/WhatsApp Message:

This message is about a lawsuit that could affect your rights to overtime wages for work you performed. You are receiving this message because you were identified as someone who worked as a H-2A truck driver hauling sugarcane in Louisiana pursuant to a petition by the South Central Sugar Cane Growers' Association, Inc. A lawsuit has been brought by other H-2A truck drivers alleging that the truck drivers' rights to overtime wages were violated. To learn more about the lawsuit and how you may participate please click on this link: [LINK TO LANDING PAGE PROVIDED BY THIRD-PARTY ADMINISTRATOR]. You must return a form within 90 days of this notice to participate on these claims.

Proposed Email:

This email is about a lawsuit that could affect your rights to overtime wages for work you performed. You are receiving this email because you were identified as someone who worked as a H-2A truck driver hauling sugarcane in Louisiana pursuant to a petition by the South Central Sugar Cane Growers' Association, Inc. A lawsuit has been brought by other H-2A truck drivers alleging that the truck drivers' rights to overtime wages were violated. To learn more about the lawsuit and how you may participate please review the documents attached to this email. You may also click on this link to see the documents: [LINK TO LANDING PAGE PROVIDED BY THIRD-PARTY ADMINISTRATOR]. You must return a form within 90 days of this notice to participate on these claims.

FLSA CONSENT TO SUE FORM

I hereby give my consent to sue South Central Sugar Cane Growers' Association, Inc. and Sterling Sugars, LLC for wages that may be owed to me under the Fair Labor Standards Act. I hereby authorize James Knoepp, Dawson Morton, and Daniel Davis, as well as any other attorneys they may associate with, to represent me for all purposes in this Fair Labor Standards Act action.

I hereby designate the collective action representatives as my agents to make decisions on my behalf concerning this litigation, including the method and manner of conducting this litigation, entering into settlement agreements, and all other matters concerning this lawsuit.

SIGNATURE

DATE

NAME

CONSENTIMIENTO PARA ACCIÓN FLSA

Por este medio doy mi consentimiento para demandar a South Central Sugar Cane Growers' Association, Inc. y Sterling Sugars, LLC por pagos que tal vez se me deban bajo la Ley de Normas Laborales Justas. Por este medio autorizo a James Knoepp, Dawson Morton, y Daniel Davis, juntos con otros abogados con los cuales ellos puedan asociar, para que me representen para todos los propósitos en esta acción bajo la Ley de Normas Laborales Justas.

Por este medio doy permiso a los representantes de la acción colectiva para que actúen como mis agentes para hacer las decisiones a mi favor en relación a esta demanda, incluyendo el método y la manera de conducir esta demanda, llegar a un arreglo, y cualquier otro asunto en relación a esta demanda.

FIRMA

FECHA

NOMBRE

**Contact Information Sheet for Individuals
Who Want to Join Lawsuit Against South Central Sugar Cane Growers' Association, Inc.
and Sterling Sugars, LLC**

1. Name (First, Middle, Last):

2. Address:

Street and Number: _____

City and State: _____

Zip Code: _____

Country: _____

4. Phone Numbers (with area code): _____

May we contact you through WhatsApp? ____ Yes ____ No

Other Phone Numbers (with area code):
(for example, a family member/friend)

Whose phone number is this? _____

5. E-mail Address (if any): _____

6. What is the best way to contact you? _____